S.B. CIVIL WRIT PETITION NO. 268/2006

Date : 13.07.2006

HON'BLE MR. BHAGWATI PRASAD, J.

Mr. D.D. Thanvi for the petitioner.
Mr. N.M. Lodha, AAG

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Heard.

Learned counsel for the respondent has raised an objection that there is an alternative remedy provided to the petitioner under Section 139 of the Rajasthan Municipalities Act against the impugned order. The learned counsel for the petitioner submitted that though alternative remedy is provided, but that is onerous and pre-deposit is required to be made, especially in view of the direction given by this Court. Petitioner has deposited certain amounts, and in such circumstances, if the petitioner is required to avail the alternative remedy, then he will be required to deposit the amount referred in the impugned order and he will be put to severe inconvenience.

Looking to the nature of the case, it is made clear that if the petitioner approaches the appellate authority in relation to the impugned order and files application for waiver of pre-deposit, then the amount already deposited by the petitioner may be taken to be consideration. The petitioner is allowed one month's time for filing appeal. The petitioner shall be free to raise all factual and legal objections before the appellate

authority against the impugned demand.

With these observations, the writ petition stands disposed of.

(BHAGWATI PRASAD), J.